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## **ENFIELD PLANNING AND ZONING COMMISSION**

### **MINUTES OF A REGULAR MEETING**

**JUNE 6, 2013**

A Regular Meeting of the Enfield Planning and Zoning Commission was held on Thursday, June 6, 2013 in the Council Chambers, Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut.

**Chairman Duren called the meeting to order at 7:00 p.m.**

**The Pledge of Allegiance was recited.**

#### **FIRE EVACUATION ANNOUNCEMENT**

Chairman Duren read the Fire Evacuation Announcement.

**Commissioner Ballard took the roll.**

**PRESENT:** Present were: Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr. (Arrived at 7:10 p.m.)

**ALSO PRESENT:** José Giner, AICP, Director of Planning and Kathleen DeGray, Recording Secretary.

**ABSENT:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioner Drinan would be voting for one of the absent Commissioners.

#### **APPROVAL OF MINUTES**

a. April 18, 2013 PZC Regular Meeting

**Commissioner Lefakis made a motion, seconded by Commissioner Ladd to approve the April 18, 2013 PZC Regular Meeting Minutes as amended.**

Amendments are as follows: Page 18, paragraph 3, lines 1 and 2, take out "enlarge an existing, nonconforming barn" and replace it with "construct an addition"; paragraph 7, line 2, take out "making the existing barn more nonconforming" and replace it with "constructing an addition".

**The motion was carried with a 5-0-1 vote, with Commissioner Drinan abstaining.**

b. May 2, 2013 PZC Regular Meeting

**Commissioner Ladd made a motion, seconded by Commissioner Lefakis, approve the May 2, 2013 PZC Regular Meeting Minutes as amended.**

Amendments are as follows: Page 3, under Commissioner's Correspondence, change Chairman Ladd to Commissioner Ladd.

**The motion was carried with a 5-0-1 vote, with Commissioner Lefakis abstaining.**

**Chairman Duren stated that Commissioners Drinan and Gregory would be voting for absent Commissioners Longhi and Falk going forward.**

c. May 16, 2013 PZC Regular Meeting

**Commissioner Ballard made a motion, seconded by Commissioner Sarno, to approve the May 16, 2013 PZC Regular Meeting Minutes as amended.**

Amendments are as follows: Page 3, under Staff Comments, Director of Planning, paragraph four, line one, change "thing" to "use"; paragraph 6, line 2, take out "he is sure", change "this is a result" to "this is probably a result"; Page 4, under Commissioners' Correspondence, paragraph 1, line 3, change "two" to "to"; Page 5, paragraph 7, line 4, after working out, add "then the regulation can be eliminated and"; page 10, paragraph 1, line 5, change "waif" to "wait"; page 21, paragraph 5, line 1, take out "pr", change "Provided" to "provided"; page 26, paragraph 5, last two lines, change "would then have to prove that the purchase coincided with the POCD by a two-thirds majority" to "would then have to approve the purchase by a two-thirds majority".

**The motion was carried with a 7-0-0 vote.**

d. May 22, 2013 PZC Special Planning Meeting

**These minutes will be voted on at the June 20, 2013 PZC Meeting.**

### **STAFF COMMENTS**

a. Town Attorney (In Writing)

Chairman Duren referenced the May 28, 2013 Town Attorney Report for June 2013 submitted to the Commission by Attorney Elsdon.

b. Zoning Enforcement Officer (In Writing)

Chairman Duren referenced the April 2013 – May 2013 ZEO Report and asked the Commissioners if there were any questions or suggestions for Ms. Higley through Mr. Giner.

The Commissioners had no questions or suggestions.

Chairman Duren commented that there are a lot NOVs regarding ducks and chickens in Ms. Higley's report.

c. Blight

Chairman Duren thanked Mr. Giner for the Blight Report and asked the Commissioners if they had any questions or suggestions for Mr. Giner.

The Commissioners had no questions or suggestions.

d. Director of Planning

Mr. Giner referenced an upcoming hour-long Webinar being presented by Roger Brooks International on The Rules of Business and Community Signage. The Webinar is scheduled for Thursday, June 13, 2013 at 12:00 P.M. Mr. Giner said he has reserved the Enfield Room for that date.

Mr. Giner said the cost of the Webinar varies based on the number of attendees, with a maximum cost of \$125.00. He said once you reach five attendees, any number of people can attend and the cost remains at \$125.00. He asked the Commissioners to let him know if they wanted to attend as soon as possible so he could put in the requisition.

Mr. Giner next let the Commissioners know that he had administratively approved the landing of the Life Star helicopter on July 5<sup>th</sup>. He said the approval is subject to the same conditions as in previous years.

Mr. Giner next referenced Ms. Higley's June 4, 2013 memo to the PZC regarding a Building Permit Application applied for by Mr. Letourneau, the new owner of 59 Broad Brook Road. He said that

the permit request is for an accessory structure, a new, detached garage that would measure 48' x 36', or 1,728 square feet. He said that the existing house is only 48' x 28', or 1,344 square feet.

Mr. Giner said that he and Ms. Higley discussed this, and because the garage would be larger than the existing house, it could not be considered an accessory structure. He said an accessory structure/use has to be clearly subordinate to the principal use or structure.

Mr. Giner said that there is nothing in the regulations that defines what an appropriate sized accessory structure is for residential properties. He said there is no upper limit and it is left up to the discretion of the ZEO. Mr. Giner said that the regulations do specify an upper limit of 600 square feet for accessory structures on commercial properties.

Mr. Giner said that Mr. Letourneau has been in to talk with Ms. Higley and he is going to reduce the size of his proposed detached garage so it is smaller than the existing house.

Mr. Giner said the Commission might want to consider adding some language to the regulations to set an upper size limit for accessory structures on residential properties.

Mr. Giner said he would see what other towns are doing and would provide the Commission with some suggestions.

Mr. Giner next referenced an upcoming seminar entitled Hot Topics in Land Use Law and Practice 2013 being presented by the Connecticut Chapter of the American Planning Association on Friday, June 21, 2013 from 8:30 a.m. – 4:00 p.m. He said this would be a very good seminar for the Commissioners to attend at a very reasonable cost.

Chairman Duren asked the Commissioners if they had any questions for Mr. Giner. There were no questions.

Chairman Duren asked Mr. Giner if he had found anything out about the new dugouts on the baseball field next to the playground by Central Library that Commissioner Ladd had brought up at the last meeting. Mr. Giner said he had not had a chance to look into this yet but he would before the next meeting.

### **PUBLIC PARTICIPATION**

Chairman Duren opened the floor for public participation and asked if anyone from the audience wanted to come forward to address the Commission.

#### **Anthony Curto, One Dartmoor, came forward to address the Commission.**

Mr. Curto referenced a sign on the corner of Dartmoor and North Maple stating that there was a hearing tonight regarding the Mayfield Road property. He asked the Commission if this would be discussed tonight.

Chairman Duren told Mr. Curto that this hearing was scheduled for the June 20, 2013 PZC Meeting and was not on tonight's agenda for discussion.

Mr. Giner said that the sign states that there will be a hearing, but does not provide a specific date. Mr. Curto said he called the Town and was told the hearing for this property was scheduled for tonight.

Chairman Duren confirmed for Mr. Curto that the hearing for this property was scheduled for the June 20<sup>th</sup> PZC meeting.

### **CORRESPONDENCE**

Chairman Duren referenced the following correspondence:

- Ms. Higley's June 4, 2013 Memo to the PZC regarding Mr. Letourneau's Building Permit Application previously discussed, as well as Ms. Higley's June 4, 2013 letter to Mr. Letourneau noting changes that would need to be made before a permit could be issued.

- A copy of the flyer regarding The Rules of Business and Community Signage Webinar previously discussed.
- CRCOG Referrals 5/16/13 – 6/6/13.
- A letter to Ms. Higley from Grace Brady dated May 22, 2013 regarding 1443 Enfield Street and whether or not it was a two-family or a three-family residence.
- A copy of the flyer regarding the Hot Topics in Land Use Law and Practice 2013 Seminar previously discussed.
- The Planning Magazine

Commissioner Drinan asked about the CRCOG referral from West Hartford regarding a proposed amendment to the zoning regulations to permit residential dwellings in the Business General (BG) District. He asked if Mr. Giner knew what CRCOG's response was and also if it was the norm to have residential dwellings in BG zones.

Mr. Giner said that in a concentrated area like downtown Thompsonville, it makes sense to allow residential uses in commercial zones, because many businesses rely on a certain population density to sustain their businesses. He said he was not sure what the makeup of West Hartford was, but it was not unusual to have residential uses within commercial zones. Mr. Giner said that the type of dwelling would likely not be single-family homes, but rather the type of supportive housing that would support Business Local uses.

Mr. Giner talked about a seminar he attended yesterday in Hartford regarding the proposed rail and bus lines and some of the outstanding issues. He said the seminar was very informative and very well attended by towns along the proposed lines. He told the Commissioners he would include the information he received from the seminar in their next meeting packets.

Commissioner Ladd asked about the Thompsonville Study. Mr. Giner said he was expecting an update tomorrow and would pass the information along to the Commission.

Commissioner Drinan commented that the CRCOG referral reports would be a good source of information for the PZC Planning Meetings.

Chairman Duren asked Mr. Giner about the new walking trails at the Senior Center and if this is something that needs to come before the Commission. Mr. Giner said that that was done with a grant the Town received in 2007. He said the project was dormant for some time before the trail was actually constructed. He said DEEP contributed \$30,000.

Mr. Giner said that Mr. Luczak has been supervising the work on the trail and it is almost complete. He said it is primarily landscaping that needs to be completed. Mr. Giner said the goal is to have the trail finished in time for an upcoming celebration commemorating the Senior Center's tenth anniversary planned for June 14<sup>th</sup>. He said the hope was to have the ribbon cutting for the new trail as part of this event.

### **COMMISSIONERS' CORRESPONDENCE**

There was no Commissioners' Correspondence.

### **BOND RELEASES**

- a. PH 2722- Request for release of \$1,240 Landscaping Bond for the State Farm Insurance office at 131 Elm St at the corner of Elm St. Freshwater Blvd., and Carol St.

**Commissioner Ladd made a motion, seconded by Commissioner Gregory, to approve PH 2722- Request for release of \$1,240 Landscaping Bond for the State Farm Insurance office at 131 Elm Street at the corner of Elm Street, Freshwater Boulevard, and Carol Street, as recommended to the PZC by Mr. Giner in his May 23, 2013 memo to the Commission.**

The Commissioners commented on what a beautiful job Ms. Walk had done with this property.

**The motion was carried with a 7-0-0 vote.**

- a. PH 2594- Request for release of \$4,000 Landscaping Bond for Rear-Lot Subdivision at 48, 50 and 52 Steele Rd.

Mr. Giner gave a brief history, stating that the applicant had requested the release of this bond back in 2009. Some of the landscaping was incomplete at that time, specifically the evergreen plantings required between the two rear lots, and the bond was not recommended for release.

The developer, Mr. Fortune, said that the property owners did not want the evergreen screen, because they liked the openness and the unobstructed view. Mr. Fortune was asked to get the written agreement of both property owners before resubmitting his request for bond release.

Mr. Fortune provided decorative fence sections and deciduous trees and shrubs between the two lots instead of the proposed arborvitae. Both property owners indicated the landscaping was acceptable to them.

Mr. Giner provided the Commissioners with pictures of the finished landscaping.

**Commissioner Drinan made a motion, seconded by Commissioner Ballard, to approve PH 2594- Request for release of \$4,000 Landscaping Bond for Rear-Lot Subdivision at 48, 50 and 52 Steele Road, as recommended to the PCZ by Mr. Giner in his May 23, 2013 memo to the Commission.**

**The motion was carried with a 7-0-0 vote.**

**PUBLIC HEARINGS(Continued from May 16, 2013 Meeting)**

- a. XZA #13-02- Text Amendment to allow A-Frame signs under limited circumstances. Enfield Planning and Zoning Commission Initiative.

**Commissioner Sarno took the roll.**

**Present were:** Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr.

**Absent were:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioners Drinan and Gregory would be voting the absent Commissioners.

**Commissioner Ballard made a motion, seconded by Commissioner Ladd to remove XZA #13-02 – Text Amendment to allow A-Frame signs under limited circumstances, Enfield Planning and Zoning Commission initiative, from the table for discussion this evening.**

**The motion was carried with a 7-0-0 vote.**

Mr. Giner referred the Commissioners to the latest draft of the proposed Text Amendments Pertaining to A-Frame Signs dated May 29, 2013. He told the Commissioners that the language they had asked him to add was highlighted in yellow.

Commissioner Drinan commented that even with the added language, the Commission was still waiting for the approval of the Fines Ordinance by the Town Council before voting on this text amendment.

**Chairman Duren opened XZA #13-02 to the public and asked if there was anyone in the audience that wanted to come forward to speak for or against this application.**

No one came forward to address the Commission.

Chairman Duren asked for a motion to table this application.

**Commissioner Drinan made a motion, seconded by Commissioner Gregory, to continue XZA #13-02 – Text Amendment to allow A-Frame signs under limited circumstances, Enfield Planning and Zoning Commission initiative, until the June 20, 2013 PZC Meeting.**

**The motion was carried with a 7-0-0 vote.**

**READING OF THE LEGAL NOTICE**

**Commissioner Sarno read the Legal Notice for each new Public Hearing. The Legal Notice was published in the May 23rd and May 30th, 2013 editions of the Journal Inquirer.**

**PUBLIC HEARINGS – NEW**

- a. PH #2779 - Special Permit for a proposed Pawn Shop to be located at 565 Enfield St. in a BL District; Map 33, Lot 274; Muoi Lien, applicant; Saloneel, LLC, owner.

**Commissioner Sarno took the roll and read the Legal Notice.**

**Present were:** Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr.

**Absent were:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioners Drinan and Gregory would be voting the absent Commissioners.

Chairman Duren invited the applicant to come forward to present their application.

**Anh Bui, 65 Paulson Drive, West Springfield, Massachusetts, and Muoi Lien, 15 Moulton Street, Springfield, Massachusetts, came forward to address the Commission.**

Ms. Bui explained to the Commission that she was here to help the applicant, Ms. Lien, because she did not speak or understand English.

Ms. Bui explained that Ms. Lien wanted to open a pawnshop at 565 Enfield Street.

Mr. Giner explained to the Commission that the applicant wants to occupy the space that was formerly the location of the Allied Attic Thrift Store.

He said that pawnshops were not specifically listed in Table 5 as a separate use. However, there is a section in the regulations, Section 5.20.2A, that states that uses determined by the Commission to be similar to and compatible with the uses listed in Table 5-20, may be permitted as a special permit use. He said this is why the applicant was here for a special permit. He said if this were to be a straight retail shop, they would not have had to come before the Commission.

Mr. Giner said that pawnshops were very similar to retail but they were regulated by the Chief of Police and state statutes.

Chairman Duren asked if anything had been received from the Fire or Police Departments. Mr. Giner said not yet.

**Chairman Duren asked the Commissioners if there were any questions for the applicant.**

Commissioner Sarno asked the applicant what the hours of operation would be. Ms. Bui said Monday through Saturday, 9:00 a.m. – 7:00 p.m.

Commissioner Ladd asked if there would be a staff working at the proposed pawnshop. Ms. Bui said the shop would be operated by Ms. Lien and her husband, assisted by their children. She said it was to be a family business.

Chairman Duren asked if it would be difficult for Ms. Lien to communicate with the customers since she did not speak English. Ms. Bui said that the children all spoke English and would be able to help with communication.

Chairman Duren asked the applicant for some clarification on the drawings submitted as Exhibit 4. He asked where the back of the store was. Mr. Giner pointed out the back, on the right-hand side of Exhibit 4.

Chairman Duren asked if Exhibit 4 was how the layout was now or how it was going to be. He specifically mentioned the dressing rooms. Ms. Bui said the layout would be left as is and the dressing room areas would be used for storage.

Ms. Bui explained that customers would only be able to access the front of the store where the glass display cases would be. There would be no customer access to the back of the store.

Chairman Duren asked what the boxes numbered one – eleven were. Ms. Bui said they were shelves for storing products.

He next asked if there would be a security system and Ms. Bui said that there would be and that it was required for insurance purposes.

Commissioner Sarno asked how the police would be involved with the pawnshop. Mr. Giner explained there is a whole section of the state statutes that has regulations for pawnbrokers and second-hand dealers. He said it makes the Town's Chief of Police the licensing authority for the uses. He said there are certain documents that have to be maintained by the owners to ensure merchandise is properly identified and that nothing is being bought or sold illegally.

**Chairman Duren opened PH #2779 to the public and asked if anyone from the audience would like to come forward to speak for or against this application.**

No one came forward to address the Commission.

**Chairman Duren closed PH #2779.**

**Commissioner Ballard made a motion, seconded by Commissioner Drinan, to waive the full submission requirements of Section 9.10.2 because the Commission finds that the information is not necessary in order to decide on the application's conformance with these Regulations.**

**The motion was carried with a 7-0-0 vote.**

**Commissioner Ballard made a motion, seconded by Commission Ladd, to approve PH #2779 - Special Permit for a proposed Pawn Shop to be located at 565 Enfield St. in a BL District; Map 33, Lot 274; Muoi Lien, applicant; Saloneel, LLC, owner. This approval is subject to conformance with the plans as shown in Exhibit #4 of the record and the following six conditions as stated in a May 29, 2013 memo from Mr. Giner to the PZC, plus one added condition to read as follows:**

**Condition 7: Hours of operation are 9:00 a.m. – 7:00 p.m., Monday through Saturday.**

**Conditions to be Met Prior to Signing of Certificate:**

1. Proof of approval of a license by the Chief of Police shall be submitted for the file.

**Conditions to be met prior to the issuance of permits or operation of the business:**

2. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
3. The applicant shall comply with any applicable requirements of the Building or Fire Codes.

**General Conditions:**

4. The conditions of this approval shall be binding on the applicant, landowners, and their successors and assigns.

5. This approval is for the specific use and structures identified in the application. Any change in the nature of the use or the structures will require new approvals from the Enfield Planning and Zoning Commission.
6. By acceptance of this permit and conditions, the applicant, land owners, and their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
7. Hours of operation are 9:00 a.m. to 7:00 p.m. Monday-Saturday.

**The motion was carried with a 7-0-0 vote.**

- a. PH #2780 –Special Permit for an Accessory In-law Apartment at 16 Missile Dr. in an R-33 District, Map 54, Lot 215; Northeast Community Builders, LLC, applicant; Robert and Sandra Shumsky, owners.

**Commissioner Sarno took the roll and read the Legal Notice.**

**Present were:** Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr.

**Absent were:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioners Drinan and Gregory would be voting the absent Commissioners.

Chairman Duren invited the applicant to come forward to present their application.

**Eric Corriveau, Northeast Community Builders, LLC, 89 South River Road, Coventry, came forward to address the Commission.**

Mr. Corriveau explained to the Commission that he was representing Mr. and Mrs. Shumsky, the owners of 16 Missile Drive, regarding their application for an accessory in-law apartment.

Chairman Duren referred the Commissioners to the plans submitted for the project and asked if there were questions for the applicant.

He asked Mr. Giner if the signs announcing this hearing had been posted, and Mr. Giner said they had. Mr. Giner said that going forward, he would provide the Commission with confirmation that signs were properly posted for upcoming hearings.

Chairman Duren asked Mr. Giner if there was anything from Fire or Engineering. Mr. Giner said there was nothing being done externally, so he wasn't expecting any input from Engineering. He said the project would be primarily governed by the Building Code.

Commissioner Drinan asked for clarification on Exhibit 4 as to which specific areas would be added. Mr. Giner pointed out that the proposed addition was highlighted in yellow.

Commissioner Ladd asked if the applicant was aware that the house must be converted back to a single-family if the occupants of the in-law apartment ceased to live there. Mr. Corriveau said the applicants were aware of this requirement.

Commissioner Drinan asked if it would be up to the ZEO to discover when and if the use was no longer applicable or if it was up to the property owner to notify the Town if the use of the in-law apartment stopped.

Mr. Giner said it would be in the best interests of the property owner to notify the Town, as it would benefit them from a tax perspective. He also said the accessory use would be recorded on the land records.

The Commissioners discussed adding a condition requiring the property owner to notify the ZEO in writing if the use was terminated. It was agreed that a condition would be added.



**Chairman Duren opened PH #2780 to the public and asked if anyone from the audience would like to come forward to speak for or against this application.**

No one came forward to address the Commission.

**Chairman Duren closed PH #2780.**

**Commissioner Sarno made a motion, seconded by Commissioner Ladd, to waive the full submission requirements of Section 9.10.2 because the Commission finds that the information is not necessary in order to decide on the application's conformance with these Regulations.**

**The motion was carried with a 7-0-0 vote.**

**Commissioner Sarno made a motion, seconded by Commissioner Ladd, to approve PH #2780 –Special Permit for an Accessory In-law Apartment at 16 Missile Dr. in an R-33 District, Map 54, Lot 215; Northeast Community Builders, LLC, applicant; Robert and Sandra Shumsky, owners. This approval is subject to conformance with the referenced plans, as may be required to be modified, and the following 16 conditions as stated in a May 24, 2013 memo from Mr. Giner to the PZC, plus one added condition to read as follows:**

**Under General Conditions, Condition #10:**

**The owner shall notify the ZEO in writing within sixty (60) days of the termination of use of the in-law apartment.**

**(Remaining conditions going forward will be renumbered sequentially)**

**Referenced Plans:**

"Shumsky Residence, Addition: 425 sf of Heated Living Space." Scale: ¼" = 1'- 0", by GM Designs Architectural Services, dated 5-13-13.

**Conditions to be met prior to the signing of plans:**

1. The applicant shall present an affidavit to the Town, executed by the property owner(s), swearing or attesting that:

(a) the owner will continue to reside on the premises; and,

(b) the occupant(s) of both units are related by blood, marriage, or adoption.

1. The Standard Town notes shall be added to the plans.
2. The plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans on each sheet.
3. The file number "SPR 1587" shall be displayed prominently on each of the final plan sheets either in the title block or in the area around it.
4. The conditions of this approval shall be binding on the applicant, landowners, and their successors and assigns. A copy of this motion shall be placed on the final plans submitted for signing.

**Conditions to be met prior to the issuance of permits:**

1. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
2. The applicant shall sign an agreement stipulating agreement with provisions of this Section regarding the termination of the Special Use and the removal of the accessory apartment.

3. Three sets of paper plans with any required changes shall be submitted for the Commission Secretary's signature.

**Conditions which must be met prior to the Issuance of a Certificate of Compliance:**

1. No Certificate of Compliance or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.

**General Conditions:**

1. The owner shall notify the ZEO in writing within sixty (60) days of the termination of use of the in-law apartment.
2. No additional mailbox or mail slot shall be provided for the accessory apartment.
3. The accessory apartment shall be removed within 120 days upon written notice of termination of the Special Use by the Zoning Enforcement Officer due to failure to comply with the occupancy requirements of Condition #1 above. The removal of all kitchen appliances and fixtures, and the utility lines and pipes servicing them, or the permanent and safe cutting and/or capping of these lines and pipes to the satisfaction of the Building Official and Zoning Enforcement officer shall constitute removal of the accessory apartment. The Zoning Enforcement Officer may allow the removal of the pre-existing kitchen instead of the kitchen in the accessory apartment.
4. The Special Use shall terminate upon the death(s) or relocation(s) of all qualifying occupant(s) of either unit (i.e. the owners and/or their relatives) or upon transfer of title to the property to a non-qualifying household or other entity.
5. This approval is for the specific work identified in the application. Any change in the nature of the uses or the structures will require new approvals from the Enfield Planning and Zoning Commission.
6. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans may be allowed in accordance with the regulations, subject to staff review and approval.
7. All work associated with the construction of facilities as approved must be completed by June 6, 2018 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
8. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

**The motion was approved with a 7-0-0 vote.**

- c. XZA 13-12-Text Amendment to Section 11.10 C to revise the time frame for appeals from the Zoning Enforcement Officer to the Zoning Board of Appeals from thirty to fifteen days. Enfield Planning and Zoning Commission initiative.

**Commissioner Sarno took the roll and read the Legal Notice.**

**Present were:** Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr.

**Absent were:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioners Drinan and Gregory would be voting the absent Commissioners.

Chairman Duren asked Mr. Giner to explain the application.

Mr. Giner explained that this was a formality for the Commission, because the statutes put the responsibility for determining the appeal period on the ZBA.

He said the ZBA has already acted and made this change in their by-laws. There is a sentence in the regulations that refers to this appeal period, and the application is to change that sentence to coincide with the change in the ZBA by-laws.

**Chairman Duren opened XZA 13-12 to the public and asked if anyone from the audience would like to come forward to speak for or against this application.**

No one came forward to address the Commission.

**Chairman Duren closed XZA 13-12.**

**Commissioner Ladd made a motion, seconded by Commissioner Gregory, to approve XZA 13-12-Text Amendment to Section 11.10 C to revise the time frame for appeals from the Zoning Enforcement Officer to the Zoning Board of Appeals from thirty to fifteen days, as indicated in Exhibit #2 of the record, Enfield Planning and Zoning Commission initiative, effective June 24, 2013.**

**The motion was carried with a 7-0-0- vote**

#### **OLD BUSINESS**

There was no Old Business to discuss.

#### **NEW BUSINESS**

- a. SPR #1587 - Site Plan review to add 11 new parking spaces to Scitico Gardens located at 601 Hazard Ave. in an R-33 District; Map 110, Lot 14; MIP 16 A Corp. applicant/owner.

**Commissioner Sarno took the roll.**

**Present were:** Chairman Charles Duren and Commissioners Charles Ladd, Kathleen Sarno, Nicles Lefakis, Elizabeth Ballard, Alan Drinan, and Ronald Gregory, Sr.

**Absent were:** Commissioners Peter Falk, Lori Longhi, and Dominic Alaimo.

Chairman Duren stated that Commissioners Drinan and Gregory would be voting the absent Commissioners.

Chairman Duren asked the applicant to come forward to explain the application.

**William Bellock, 50 Amity Lane, Manchester, came forward to address the Commission.**

Mr. Bellock said he was the property manager for Scitico Gardens. He said the application was originally for 13 spaces above the detention basin at the apartment complex and it has since been reduced to 11 spaces.

He said he is here today for two reasons. First, the tenant mix of the complex has changed over the past couple of years causing a need for increased parking. He said that more of the apartments are occupied by residents owning more than one vehicle. He said secondly, this past winter he had a very difficult time finding a place to pile snow. Mr. Bellock explained that while parking is not an immediate issue, he sees it becoming one and wants to be pro-active. He explained that this is why the application was submitted.

**Commissioner Drinan made a motion, seconded by Commissioner Ladd to approve SPR #1587 - Site Plan review to add 11 new parking spaces to Scitico Gardens located at 601 Hazard Ave. in an R-33 District; Map 110, Lot 14; MIP 16 A Corp. applicant/owner. This approval is subject to conformance with the referenced plans, as may be required**

**to be modified, and the following twelve conditions as stated in a May 24, 2013 memo from Mr. Giner to the PZC, plus two added conditions to read as follows:**

**Under Conditions to be met prior to the signing of plans, Condition #2:**

**A note shall be obtained from the Fire Marshal approving the number and placement of the bollards near the gas meter.**

**(Remaining conditions going forward will be renumbered sequentially)**

**Condition #14:**

**Curb stops to be installed subject to the approval of the Engineering Division.**

**Referenced Plans:**

"Improvement Location Map/Dependent Resurvey/Site Plan, Scitico Gardens, 601 Hazard Avenue, Enfield, CT." Scale: "As Shown"; by Northstar Surveying & Engineering, LLC, dated 4/30/2013, revised to 5/13/13.

**Conditions to be met prior to the signing of plans:**

1. The Standard Town notes shall be added to the plans.
2. A note shall be obtained from the Fire Marshal approving the number and placement of the bollards near the gas meter.
3. The plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans on each sheet.
4. The file number "SPR 1587" shall be displayed prominently on each of the final plan sheets either in the title block or in the area around it.
5. The conditions of this approval shall be binding on the applicant, landowners, and their successors and assigns. A copy of this motion shall be placed on the final plans submitted for signing.

**Conditions to be met prior to the issuance of permits:**

1. Three sets of paper plans with any required changes shall be submitted for the Commission Secretary's signature.
2. If needed, an Erosion and Sediment Control and Site Restoration Bond shall be submitted in the form of cash or a check, in an amount to be determined by the Town Engineer.

**Conditions which must be met prior to the Issuance of a Certificate of Compliance:**

1. Complete as-built plans shall be submitted prior to the issuance of any certificates of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
2. No Certificate of Compliance or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.

**General Conditions:**

1. This approval is for the specific work identified in the application. Any change in the nature of the uses or the structures will require new approvals from the Enfield Planning and Zoning Commission.
2. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans may be allowed in accordance with the regulations, subject to staff review and approval.
3. All work associated with the construction of facilities as approved must be completed by June 6, 2018 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
4. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
5. Curb stops to be installed subject to the approval of the Engineering Division.

**The motion was carried with a 7-0-0 vote.**

#### **OTHER BUSINESS**

- a. Discussion of Poultry Regulations
- b. Discussion on Medical Marijuana Dispensaries

**This item will be removed from the regular PZC Meeting Agenda and will be added to the PZC Planning Meeting Agenda going forward.**

- c. Applications to be Received

#### **Public Hearings**

**None.**

#### **Site Plan Reviews**

SPR #1590 – Site Plan Review to install a 600W stand-by generator behind the existing Big Y store at 65 Palomba Drive, in a BL District, Map 56, Lot 7; Springfield Electrical Company, applicant; Devcon Enterprises, Inc., owner.

**Commissioner Drinan made a motion, seconded by Commissioner Sarno, to allow Mr. Giner to administratively approve SPR #1590 – Site Plan Review to install a 600W stand-by generator behind the existing Big Y store at 65 Palomba Drive, in a BL District, Map 56, Lot 7; Springfield Electrical Company, applicant; Devcon Enterprises, Inc., owner, in conjunction with approval from Engineering and the Fire Marshal.**

**The motion was carried with a 7-0-0 vote.**

SPR #1591 – Site Plan Review to install an emergency generator behind the St. Joseph's Residence, located at 1365 Enfield Street, in an HR-33 District, Map 46, Lot 22; Little Sisters of the Poor d/b/a St. Joseph's Residence, applicant/owner.

**Commissioner Drinan made a motion, seconded by Commissioner Sarno, to allow Mr. Giner to administratively approve SPR #1591 – Site Plan Review to install an emergency generator behind the St. Joseph's Residence, located at 1365 Enfield Street, in an HR-33 District, Map 46, Lot 22; Little Sisters of the Poor d/b/a St. Joseph's Residence, applicant/owner, in conjunction with approval from Engineering and the Fire Marshal.**

**The motion was carried with a 7-0-0 vote.**

#### **NEXT REGULAR MEETING**

**The next regular meeting of the PZC will be Thursday, June 20, 2013 at 7:00 p.m. in Council Chambers.**

**There is a Planning Only meeting of the PCZ scheduled for Wednesday, June 26, 2013 at 7:00 p.m. in the Enfield Room.**

**ADJOURNMENT**

**Commissioner Drinan made a motion, seconded by Commissioner Gregory, to adjourn. Following a unanimous vote, the Commission adjourned at 8:30 p.m.**

Respectfully submitted,

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Peter Falk,

Secretary

Enfield Planning and Zoning Commission

Kcd